

The Senate Finance Committee offered the following substitute to SB 91:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim compensation, so as to provide for an adult entertainment surcharge; to provide for definitions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim compensation, is amended by revising paragraph (3) of Code Section 17-15-2, relating to definitions, to read as follows:

"(3) 'Crime' means:

(A) An act which constitutes hit and run as defined in Code Section 40-6-270, homicide by vehicle as defined in Code Section 40-6-393, serious injury by vehicle as defined in Code Section 40-6-394, or any act which constitutes a violent crime as defined by state or federal law which results in physical injury or death to the victim and which is committed:

(i) In this state;

(ii) In a state which does not have a victims' compensation program, if the victim is a resident of this state; or

(iii) In a state which has compensated the victim in an amount less than the victim would be entitled to pursuant to this chapter, if the victim is a resident of this state;

(B) An act which constitutes international terrorism as defined in 18 U.S.C. Section 2331 which results in physical injury or death to the victim, if the victim is a resident of this state and is outside the territorial boundaries of the United States when such act is committed; ~~or~~

(C) An act of mass violence which results in physical injury or death to the victim, if the victim is a resident of this state and is outside the territorial boundaries of the United States when such act is committed; or

(D) When performed upon a minor under 18 years of age, an act which constitutes pimping as defined in Code Section 16-6-11, pandering as defined in Code Section 16-6-12, pandering by compulsion as defined in Code Section 16-6-14, or trafficking a person for sexual servitude as defined in subsection (c) of Code Section 16-5-46."

SECTION 2.

Said chapter is further amended by adding a new Code section to read as follows:

"17-15-15.

(a) As used in this Code section, the term:

(1) 'Nude' means:

(A) Entirely unclothed; or

(B) Clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the person is female, or any portion of the genitals or buttocks.

(2) 'Sexually oriented business' means a nightclub, bar, restaurant, or similar commercial enterprise that:

(A) Provides for an audience of two or more individuals live nude entertainment or live nude performances; and

(B) Authorizes on-premises consumption of alcoholic beverages, regardless of whether the consumption of alcoholic beverages is allowed under a license granted pursuant to the Georgia Alcoholic Beverage Code.

(b) A surcharge shall be imposed on a sexually oriented business in an amount equal to \$5.00 for each entry by each customer admitted to the business.

(c) The sexually oriented business shall remit the surcharge to the state revenue commissioner in the manner prescribed by the commissioner.

(d) The state revenue commissioner shall deposit all amounts received from the surcharge imposed under this Code section to the Fund. The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section."

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

58 "17-15-16.
59 The board shall be authorized to designate and expend moneys to provide residential
60 treatment facilities and programs and other appropriate services to victims of the crime
61 described in subparagraph (D) of paragraph (3) of Code Section 17-15-2."

62 **SECTION 4.**

63 This Act shall become effective upon its approval by the Governor or upon its becoming law
64 without such approval.

65 **SECTION 5.**

66 All laws and parts of laws in conflict with this Act are repealed.